



OIA-2019-3705

30 January 2020

K Lambert

fyi-request-11875-3ffce8f6@requests.fyi.org.nz

Dear K Lambert

I refer to your request of 12 December 2019, under the Official Information Act 1982 (OIA), for the following pertaining to years 2016-2019 inclusive:

Part 1: Statistics

Please provide for each of the OIA and PA the numbers of the following:

- Requests received*
- Requests acknowledged within 20 working days*
- Requests in which the requested information or decision to decline was provided within 20 working days*
- Requests in which the information was provided, declined or provided in part (obviously separate figures). In the case of declines or partials please identify the sections of each act relied upon to decline in whole or in part*
- Requests that took more than three months to either fulfill or decline in whole or in part and the reason for the refusal and for the delay for each one*
- Requests that were declined in whole or in part that were escalated to either the ombudsman or privacy commission*

In the case of instances that were escalated to either privacy commission or ombudsman, please provide the numbers for:

- Cases in which the matter was found in favour of the applicant's position*
- Cases that were found in favour of your position*

Regarding information requests considered under the OIA, relevant details are compiled and reported in 6-month periods by the State Services Commission (SSC). This information is available on their website.¹ Noting that statistics for the second half of 2019 will be available in March this year, this part of your request is therefore declined in accordance with section 18(d) of the OIA, as the requested information is or soon will be publicly available.

Regarding requests made under the Privacy Act 1993 (PA), the New Zealand Defence Force (NZDF) does not collect or report these statistics, and they are handled at various levels of the organisation as necessary. This part of your request is therefore declined in accordance with section 18(e) of the OIA, as the requested information does not exist.

Regarding the statistics for requests that were not declined, declined in part, or declined in full, the NZDF changed the systems and financial year reporting structures for information requests in 2015/16. As a result there are incomplete data sets for the information within the scope of your request. The following table provides the available data for financial years 2016/17, 2017/18 and 2018/19. The sections of the OIA or PA relied upon for the withholding of information or the declining of a request are listed.

¹ www.ssc.govt.nz/resources/official-information-statistics/

	Request declined	Request partially declined	Relevant sections (OIA/PA)
FY 2016/17	27	97	2(h), 6(a), 6(b)(i), 6(b)(ii), 6(c), 9(2)(a), 9(2)(ba)(i), 9(2)(f)(iv), 9(2)(g)(i), 9(2)(g)(ii), 9(2)(h), 9(2)(j), 18(c)(i), 18(d), 18(e), 18(f), 18(g), 27(1)(a), 27(1)(c), 29(1)(a)
FY 2017/18	80	110	2(h), 6(a), 6(b)(i), 6(b)(ii), 6(c), 9(2)(a), 9(2)(b)(ii), 9(2)(ba)(i), 9(2)(f)(iv), 9(2)(g)(i), 9(2)(h), 9(2)(j), 9(2)(k), 18(c)(i), 18(d), 18(e), 18(f), 18(g), 29(1)(a), 29(1)(f), 29(2)(b)
FY 2018/19	80	170	2(ha)(ii), 6(a), 6(b)(i), 6(b)(ii), 6(c), 6(d), 9(2)(a), 9(2)(b)(ii), 9(2)(ba)(i), 9(2)(f)(iv), 9(2)(g)(i), 9(2)(g)(ii), 9(2)(h), 9(2)(j), 9(2)(k), 18(d), 18(e), 18(f), 18(g), 27(1)(b), 29(1)(a), 29(1)(b), 29(1)(f)

Regarding requests declined in whole or in part and escalated to the Ombudsman, the NZDF is not notified of all complaints the Office of the Ombudsman may receive. The NZDF is only made aware of those complaints that require input from the NZDF. The Ombudsman, however, reports on all complaints they receive, and this reporting can be found on the Ombudsman's website.² This part of your request is therefore declined in accordance with section 18(d) of the OIA, as described above.

Please provide the number of instances in which rulings have gone against you and you have arrived at a monetary supplement with the applicant. Please provide the total figure for each year that you paid out in these settlements.

The NZDF is not aware of any complaints to the Ombudsman or Privacy Commissioner that resulted in monetary payments or settlements.

Please also provide the numbers of both OIA and PA requests that at the time of this request, had been received by yourselves more than three months ago and that remain outstanding. Please provide a detailed explanation for the length of time for each case.

At the time of your request, no information requests considered under the OIA that were received more than three months ago remain outstanding. One request for personal information made under the PA more than three months ago remains outstanding. This request has required a search through a significant volume of information, beyond typical requirements. The requester has been kept informed of progress and was asked to refine the scope of the request to enable the provision of information within a shorter timeframe.

Part 2: Policy, procedure, practice and personnel

Please provide copies of the following documents:

-Any manuals, policy or process documents that you have relating to your approach to OIA and PA requests

This is provided within Defence Force Order 70. This is currently being reviewed and revised. Once complete it will be made publicly available on the NZDF website³.

² www.ombudsman.parliament.nz

³ www.nzdf.mil.nz

Please explain:

-Structures in your organisation dedicated to OIA and PA requests. For example, do you have a team dedicated to these functions? Do you have staff in other roles who are routinely brought in to carry out these functions?

In either case, please provide the number of FTE dedicated to OIA and PA functions -Please explain how you maintain effective oversight of these functions -Please explain what external organisations carry out oversight of these functions. For example, do you have an independent body carry out audits to ensure that the staff tasked with these functions are carrying them out in accordance with the law.

The requested information regarding the Headquarters NZDF Corporate and Ministerial Services team is reported in NZDF responses to the Foreign Affairs, Defence and Trade Committee (FADTC), which is available publicly from the New Zealand Parliament website.⁴ This part of your request is therefore declined in accordance with section 18(d) of the OIA, as described above. Staff in other roles are not seconded to carry out information request functions, however, personnel across the NZDF provide their time and subject matter knowledge and experience to support the Corporate and Ministerial Services team as required.

The NZDF does not engage an independent body to audit OIA / PA compliance. The Ombudsman and Privacy Commissioner are in a position to carry out an external oversight function if required.

You have the right, under section 28(3) of the OIA, to ask an Ombudsman to review this response to your request.

Yours sincerely



A.J. WOODS
Air Commodore
Chief of Staff HQNZDF

⁴ www.parliament.nz/en/pb/sc/scl/foreign-affairs-defence-and-trade/tab/report